1898-004
Lee Co.

Chancery Causes: W. A. Baker vs. John R. Gibson, trst. &c

Wood

CA - Other
T - Property

To the Honorable W.T.Miller Judge of the Circuit Court of Lee County, Virginia:

Humbly complaining,your orator,W.A.Baker,would respectfully represent and show unto your honor,that at the 2ond'May rules 1898, your orator filed his bill in your honor's Court against W.P.Weston Administrator of the estate of Jacob Kinser dec.and others,the object of which was to convene the creditors of said Kinser dec.and to sell the lands in the bill mentioned;the heirs at law of said Kinser dec. John R.Gibson Trustee and Harvey G.Wood were all made parties to said suit,and said suit properly matured at rules and brought on to be heard at the June term of your honor's court 1898,when a reference was made to H.C.Joslyn commissioner to ascetain and report the unpaid indebted--ness of said Jacob Kinser dec.at time of his death,all of which fully appears by the record in said cause now pending in your honor's court to which reference is here made for proof of the facts herein stated.

Your honor will see from an inspection of said record,acopy of which is here made a part of this bill,that Jacob Kinser and his wife Amanda in his life time executed to John R.Gibson Trustee for the benefit of Harvey G.Wood a deed of trust to secure the payment of the sum of $250. on the same lands sought to be sold in your orator's aforesaid bill; Now your orator alleges that,in the face of the fact that your orator's bill is now pending in your honor's Court as aforesaid ,the said John R.Gibson Trustee has advertised to sell the lands described in said bill and deed of trust,on the first day of the August term of the Count Court of Lee County,which is contrary to equity and good conscience. Your orator alleges that said sale should be enjoined for the following reasons;because the said Jacob Kinser,the grantor in said deed of trust is now dead,and has left infant heirs at law;because there has been payments made on the debt secured by said deed of trust,which should be ascertained by a commissioner before any sale;because a sale now will materially prejudice your orator's rights in the premises;and because it is clearly a trust,which under the circumstances,should be administered under the direction and control of a Court of equity.

Forasmuch as your orator is remédless in the premises,save by the aid of a court of equity,the prayer of your orator is ,that the said John R.Gibson Trustee and Harvey G.Wood be made parties defendants to this bill and answer the same but they need not answer on oath that

being waived;that John R.Gibson Trustee be enjoined and restrained from selling the lands described in said bill and deed of trust,until the coming in of Commissioner H.C.Joslyn's report of the unpaid indebtedness of Jacob Kinser dec.at the time of his death;and your orator prays for all other and further relief generally,as to equity may seem meet,or his case may require,and your orator will ever pray &etc.

M. G. Ely P.Q.

Virginia,Lee County,to wit:

I,A.J.Myers,a justice of the peace in and for the County and State aforesaid,do certify that M.G.Ely attorney for W.A.Baker,personally # appeared before me and made oath that the allegations in the foregoing bill,he believes are true.Given under my hand this the 7th'day of July 1898.

A J Myers J.P.

Postage 8c

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W. A. Baker Plff-

vs. Bill for Injunction.

John R. Gibson Trustee et al

Injunction awarded pursuant to the prayer of the bill. But before it becomes effective the plff or some one for him must execute bond before the clerk of the Circuit Court with good security in the penalty of $250 conditioned as the law directs July 16th 1898

To the clerk of the Circuit Court of Lee Co Va